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HUMAN RIGHTS QUESTIONS

Letter dated 19 March 1996 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit to you a document which was circulated by the Russian Delegation in the Organization for Security and Cooperation in Europe (OSCE) and is entitled "Violation of the rights of non-citizens of Estonia" and which contains numerous facts indicating discrimination against the Russian-speaking population in Estonia (see annex).

I should be most grateful if you would have the text of this letter and its annex circulated as an official document under agenda item 113 of the preliminary list.

(Signed) S. LAVROV

* A/51/50.

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ANNEX

Violation of the rights of non-citizens of Estonia

(A document circulated by the Russian delegation in the Organization for Security and Cooperation in Europe)

The Estonian authorities are still conducting a policy of infringement of the rights of the Russian-speaking population of Estonia.

1. The lack of citizenship on the part of one third of the population of Estonia remains the most acute problem in that country. In defining the legal status of non-citizens, Estonian legislators are attempting to circumvent international norms by replacing, for example, the term "person without citizenship" with the definition "foreigner who is entitled to obtain Estonian citizenship". The extreme, in the view of independent experts, requirements with regard to examinations in the Estonian language and knowledge of the Constitution (as well as a number of other laws) are being maintained for persons applying for Estonian citizenship and the term "examination" is being replaced by the word "test", which has a completely different meaning for Europeans.

2. Under a discriminatory law on cultural autonomy, only citizens of Estonia are recognized as representatives of national minorities, which limits the possibility of tens of thousands of other permanent residents to develop the use of their mother tongue, culture and education and runs counter to article 27 of the International Covenant on Civil and Political Rights.

3. Estonian legislation is designed to restrict the political, social and economic rights of non-citizens. Restriction of the voting rights of non-citizens is being provided for under amendments to the law on elections to local self-government bodies (the Parliament has completed the first reading of these amendments). A policy is being conducted with the aim of excluding the Russian-speaking population from the property reform. This was also seen during the recent discussion by the Parliament of the Estonian Republic of amendments and supplements to land legislation. It appears that the "non-indigenous residents" will be deprived even of the right to purchase land under private houses.

4. For the issuance of passports to foreigners, the Estonians will increase the number of persons defined as "foreigners" at the expense of non-citizens who have the right to permanent residence and residence permits as well as children under the age of 15, neglecting thereby to define their legal status and denying them protection by Estonian diplomatic and consular missions. On the basis of humanitarian considerations, the Russian side agreed to include a foreigner's passport in the list of documents for visa-free entry into the Russian Federation. This decision is of a temporary nature (until the end of 1996).

5. There is still evidence of the trend to curtail in Russian schools the teaching of subjects necessary for the development of pupils' national consciousness, particularly the Russian language and literature as well as the

history of Russia. The threat still exists that instruction in Russian in the higher grades in those schools will be halted in the year 2000, which would lower the intellectual level of Russian-speaking young people and make them uncompetitive in various areas of mental work.

6. The Estonian authorities have attempted to restrict the right of "non-citizens" to freedom of religion. Through the refusal by the Department of Religious Affairs of the Ministry of Internal Affairs of the Estonian Republic to register the Estonian Orthodox Church (EOC) under its historic name, they are seeking to deprive it of its name, then its property and consequently its freedom to conduct religious activities (the Church's membership in Estonia numbers more than 100,000 persons). The crisis in relations between the Moscow and Constantinople Patriarchates was brought about also by blatant interference on the part of the Estonian State authorities in an area that is constitutionally separate from the State.

7. The comments on Estonia by the Geneva-based United Nations Human Rights Committee recommended reviewing domestic legislative provisions that were discriminatory with respect to non-citizens and bringing them into accordance with articles 2 and 26 of the Covenant.

8. The recommendations of the Human Rights Committee point to a lack of laws guaranteeing implementation of the provisions of articles 3 and 123 of the Constitution of the Estonian Republic, where reference is made to the priority of international treaties over national legislation, which is becoming increasingly relevant in connection with the expected ratification by Estonia of the European Convention on the Protection of Human Rights and Fundamental Freedoms.